HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 15820 of 2007

Dated 31.08.2007

Between:

Dasari Rama Devi.

...Petitioner

and

The Special Cadre Deputy Registrar and others.

...Respondents

HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 15820 of 2007

O R D E R:

Petitioner claims to be the member of the Kolaganivaripalem Milk Suppliers Co-operative Society, 4th respondent herein. The term of the elected managing committee of the Society expired on 31.07.2007. It is stated that the Society is not receiving any financial aid from the Government and without convening the general body meeting, the outgoing managing committee had

appointed the 2nd respondent as election officer to conduct the elections. The petitioner contends that the very appointment of the 2nd respondent as Election Officer is contrary to the provisions of law and that the elections, as proposed by the 2nd respondent, cannot be conducted at all.

On behalf of the 4th respondent-Society, a counter affidavit is filed. It is stated that the 2nd respondent was appointed in terms of Rule 22(1)(a) of the Andhra Pradesh Co-operative Societies Rules, 1964 (for short 'the Rules') and that the steps taken by him do not warrant any interference. It is also stated that an election programme was fixed, through proceedings, dated 17.07.2007, providing for filing of nominations between 24th and 26th of July 2007 and holding of elections, if necessary, on 30.07.2007. The 4th respondent further stated that since it emerged on 26.07.2007 that the number of contestants did not exceed the number of Directors, the managing committee was declared elected unanimously.

Heard Sri Y.Subrahmanyam, the learned counsel for the petitioner, the learned Government Pleader for Co-operation and Sri V.V.Prabhakar Rao, the learned counsel

for the 4th respondent.

The principal contention advanced on behalf of the petitioner is that the 2nd respondent could have been appointed, only on the strength of a resolution passed by the general body of the Society. However, a perusal of Rule 22(1)(a) of the Rules discloses that the power to conduct elections and appoint an Election Officer under that provision is conferred upon the outgoing managing committee. The assertion of the 4th respondent that the outgoing managing committee of the Society met on 05.07.2007 and appointed the 2nd respondent as Election Officer is not refuted. It is not denied that the Society is not receiving the financial aid from the Government. The petitioner is not able to cite any provision in support of her contention that the Election Officer, in such a case, must be appointed by the general body. Therefore, this Court does not find any basis to interfere with the appointment of the 2nd respondent as election officer by the outgoing managing committee or the steps taken by the 2nd respondent for conducting the elections. It is a different thing whether the petitioner can challenge the election of the members of the Managing Committee, on any other ground, under the relevant provision of law,

Hence, the writ petition is disposed of, leaving it open to the petitioner to work out her remedies as per law, in case, she intends to challenge the election of the President or Directors of the managing committee of the 4th respondent-Society. There shall be no order as to costs.

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31.08.2007

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